

Joint Standing Committee on Business and Economic Development

LD 11 **An Act to Exempt Business Brokers and Mergers and Acquisitions Specialists from the Real Estate Brokerage Laws** **ONTP**

<u>Sponsor(s)</u> ABROMSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 11 proposed to exempt business brokers and merger and acquisitions specialists from the real estate brokerage licensing act.

See also LDs 1083, 1176, 1450 and 2130.

LD 19 **An Act to Require That Stores Close for a Half Day on Memorial Day and Veterans' Day** **ONTP**

<u>Sponsor(s)</u> GAGNE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 19 proposed to prohibit stores from opening before noon on Memorial Day and Veterans' Day.

LD 29 **Resolve, Regarding Legislative Review of Chapter 15: Fees, Section 15.8: Inspection Fees-Tramway, a Major Substantive Rule of the Board of Elevator and Tramway Safety** **RESOLVE 4 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-31
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LD 29 proposed to provide for legislative review of Chapter 15: Fees, Section 15.8: Inspection Fees-Tramway, a major substantive rule of the Board of Elevator and Tramway Safety.

Committee Amendment "A" (H-31) added a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 4 authorizes the final adoption of major substantive rule Chapter 15: Fees, Section 15.8: Inspection Fees - Tramway, of the Board of Elevator and Tramway Safety.

Chapter 4 was enacted as an emergency measure effective March 29, 1999.

Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-601
	OTP-AM MIN	

LD 30 proposed to provide for legislative review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, major substantive rules of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-96) was the majority report. This amendment proposed to strike the emergency preamble and clause. This amendment also proposed to authorize final adoption of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, provided several amendments were made to the proposed rule by the Department of Professional and Financial Regulation prior to its final adoption. The proposed amendments were to provide that:

1. The reference to Lincomycin in Chapter 6, Section 3, subsection E(4) must be deleted;
2. The reference to Aminophylline in Chapter 6, Section 3, subsection E(8) must be deleted; and
3. The reference to Theophylline in Chapter 6, Section 3, subsection E(8) must be deleted.

This amendment was not enacted.

Committee Amendment "B " (H-97) was the minority report. This amendment proposed to replace the original resolve. This amendment proposed to strike the emergency preamble and emergency clause. This amendment proposed to authorize final adoption of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; and Chapter 9: Fees, Section 1. This amendment also proposed to disapprove Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships because that rule exceeds the scope of prescriptive authority described in the licensing statute. This amendment also proposed to direct the Department of Professional and Financial Regulation to reconvene a subcommittee of the Board of Complementary Health Care Providers to develop a revised rule within the statutory scope of prescriptive authority. This amendment proposed to allow the Department of Professional and Financial Regulation to proceed with licensure of naturopathic doctors, but limit naturopathic doctors' prescriptive authority to nonprescription medications. This amendment also proposed to add an appropriation section and a fiscal note.

This amendment was not enacted.

Committee of Conference Amendment "A " (H-601) was the unanimous report of the Committee of Conference. This amendment proposed to strike the emergency preamble and emergency clause. This amendment proposed to authorize final adoption of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1 provided that Chapter 6 was revised to remove the authority for naturopathic doctors to prescribe Lincomycin, Aminophylline, Theophylline, allergy shots and nontopical steroids.

This amendment was not enacted.

Resolve 1999, chapter 51 authorizes the final adoption of major substantive rules Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, provided that Chapter 6 is revised by the Department of Professional and Financial Regulation to remove the authority for naturopathic doctors to prescribe Lincomycin, Aminophylline, Theophylline, allergy shots and nontopical steroids.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-32

Committee Amendment "A" (H-32) added a fiscal note to the resolve.

Resolve 1999, chapter 5 authorizes the final adoption of major substantive rule Chapter 8: Fees, Section 1, of the Board of Veterinary Medicine.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLDUC	ONTP	

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LD 112**Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency****RESOLVE 74
EMERGENCY**Sponsor(s)
AHEARNECommittee Report
OTP-AMAmendments Adopted
H-79
S-448 MICHAUD

LD 112 proposed to establish the Task Force to Study the Effect of Government Regulation on Small Businesses.

Committee Amendment "A" (H-79) proposed to clarify the intent of the original resolve by specifying the duties of the task force. This amendment also added an appropriation section and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-448) proposed to correct the appointment of the chairs of the Task Force to Study the Effect of Government Regulation on Small Businesses. It also proposed to limit resulting legislation to a single bill and correct the appropriation.

Enacted law summary

Resolve 1999, chapter 74 established the Task Force to Study the Effect of Government Regulation on Small Businesses.

Chapter 74 was enacted as an emergency measure effective June 17, 1999.

LD 168**An Act to License Home Inspectors****CARRIED OVER**Sponsor(s)
HARRIMANCommittee ReportAmendments Adopted

LD 168 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish the Maine Board of Home Inspectors. The bill creates 3 categories of licensure: apprentice inspector, home inspector and professional inspector. Each category of licensure has specific educational and experimental requirements. There is a provision for grandfathering individuals working as home inspectors before January 1, 2001 provided they meet the eligibility requirements set forth in the law.

The fee structure for application, licensure, renewal and examination will be determined by the board. Continuing education requirements will also be established by the board for licensure renewal.

LD 178**An Act to Appropriate Block Grants for Regional Tourism Promotion****ONTP**Sponsor(s)
MILLSCommittee Report
ONTPAmendments Adopted

LD 178 proposed to establish the Regional Tourism Promotion Grant Program to be administered by the Office of Tourism and Community Development within the Department of Economic and Community Development. Through the grant program, organizations within eight tourism regions of the State would receive grants of up to \$100,000 per year to promote tourism in the regions. The bill listed criteria for determining eligibility for the grants. The program would be funded primarily by directing the Commissioner of the Department of Economic and Community Development

to use \$400,000 of the budget of the Office of Tourism and Community Development for grants. The program would be eligible to receive additional funds from other sources.

LD 306 **Resolve, to Honor Farmers' Contributions to Maine's Agricultural Heritage and Promote Tourism** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY COWGER	ONTP	

LD 306 proposed to direct the Office of Tourism and Community Development to work with the Maine Promotion Council Cooperative to develop strategies to promote tourism in inland, rural areas of the State with an agricultural heritage.

LD 324 **An Act to Allow Assistants to Physicians to Perform Certain Tasks outside the Direct Supervision of the Physicians** **PUBLIC 159**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP	

LD 324 proposed to amend the law that allows an assistant to a physician or a surgeon to perform certain activities only when the physician or surgeon has direct control over the assistant and is in the same room with the assistant while the procedure is being performed.

This bill proposed to continue to require that an assistant to a physician or a surgeon may only perform certain activities when the assistant is under the control of the physician or surgeon, but would allow the assistant to perform those activities outside of the direct presence of the physician or surgeon, instead requiring only that the physician or surgeon be present on the premises.

Enacted law summary

Public Law 1999, chapter 159 requires that an assistant to a physician or a surgeon may only perform certain activities when the assistant is under the control of the physician or surgeon who must be present on the premises at the time the activities are performed.

LD 421 **An Act to Amend the Membership of the State Board of Funeral Service** **PUBLIC 91**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY MICHAUD	OTP-AM	H-118

LD 421 proposed to increase the membership of the State Board of Funeral Service from 8 members to 9 members by adding a member representing the interests of senior citizens and chosen from a list provided by a national organization of retired persons such as the American Association of Retired Persons.

Committee Amendment "A" (H-118) proposed to retain the current membership of the board at eight members, but decreased from six to five those who are licensed for the practice of funeral service and increased from two to three those who must be representatives of the public. This amendment would eliminate the requirement that one of the members of the board must represent the interests of senior citizens and must be selected from a list of applicants provided by a national organization of retired persons. Instead, a national organization of retired persons would be permitted to submit a list of applicants for use in the selection of one of the public members. This amendment set an effective date of January 1, 2000.

Enacted law summary

Public Law 1999, chapter 91 changes the composition of the membership of the State Board of Funeral Service. It decreases from 6 to 5 the number of members who are licensed for the practice of funeral service and increases from 2 to 3 the number of members who must be representatives of the public. A national organization of retired persons may submit a list of applicants for use in the selection of one of the public members. Chapter 91 was enacted with an effective date of January 1, 2000.

LD 455 **An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices** **VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK DOUGLASS	OTP	

LD 455 proposed to repeal a section of law that required the posting of prices of motor vehicle fuels sold. The Legislature enacted the bill, however, the Governor vetoed the bill. The veto was sustained.

LD 464 **An Act Concerning Notification by Oil Burner Technicians of Inadequate Chimneys** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL		

LD 464 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to exempt oil burner technicians from disciplinary actions involving the installation or servicing of oil burning equipment in an unsafe chimney. It does not, however, require that the oil burner technician notify the property owner and the Office of the State Fire Marshal concerning the condition of the chimney before making the repair or installation.

LD 483 **An Act to Include a Denturist on the Board of Dental Examiners** **PUBLIC 124**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD STANLEY	OTP-AM	H-163 TOWNSEND S-58

LD 483 proposed to increase the membership of the Board of Dental Examiners by adding a denturist.

Committee Amendment "A" (S-58) proposed to clarify the bill by specifying that a denturist would be added to the Board of Dental Examiners until January 1, 2001. After January 1, 2001, the size of the board would revert back to seven members. This amendment also added an allocation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-163) proposed to provide an allocation to the Department of Professional and Financial Regulation, Board of Dental Examiners rather than to the Office of Licensing and Registration for the additional costs that would result from increasing the membership of the board.

Enacted law summary

Public Law 1999, chapter 124 increased the membership of the Board of Dental Examiners from 7 to 8 by adding a denturist to the Board until January 1, 2001. After January 1, 2001, the board reverts back to 7 members.

LD 505

An Act to Exempt Free Clinics from Payment of Pharmaceutical Registration Fees

PUBLIC 42

Sponsor(s)
PINGREE
SULLIVAN

Committee Report
OTP-AM

Amendments Adopted
S-20

LD 505 proposed to amend the Maine Pharmacy Act by including a free clinic in the definition of drug outlet. The bill also proposed to exempt free clinics from registration fees required under the Maine Pharmacy Act.

Committee Amendment "A" (S-20) proposed to give the Board of Pharmacy the authority to exempt a free clinic from fees required under the Maine Pharmacy Act. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 42 amends the Maine Pharmacy Act by including free clinic in the definition of drug outlet, defines free clinic and authorizes the Maine Board of Pharmacy to exempt a free clinic from fees required under the Act.

LD 526

Resolve, Creating the Commission to Study Economic Development Opportunities for Lewiston and Auburn

CARRIED OVER

Sponsor(s)
MENDROS
BENNETT

Committee Report

Amendments Adopted

LD 526 is being carried over to the Second Regular Session of the 119th Legislature. The resolve proposes to establish the Commission to Study Economic Development Opportunities for Lewiston and Auburn.

LD 576

An Act to Update and Amend the Maine Pharmacy Act

**PUBLIC 130
EMERGENCY**

Sponsor(s)
CAMERON

Committee Report
OTP-AM

Amendments Adopted
H-205 O'NEAL
H-80

LD 576 proposed to implement the recommendations of the Pharmacy Act Review Group, which was established by the Department of Professional and Financial Regulation to update the Maine Pharmacy Act.

The bill defined automated pharmacy systems and authorized the Maine Board of Pharmacy to establish standards for their use. The bill redefined practitioner, reflecting the increased number of professions that are authorized to prescribe. It allowed the board to use discretion in issuing a license by reciprocity, and aligned the board's license and continuing education cycles with the calendar year. The bill removed the automatic provision of executive session for informal conferences and added breach of confidentiality to the area of unprofessional conduct. The bill allowed a pharmacist to be in charge of more than one outlet with written permission from the board and allowed drug outlets to open prior to state site inspection. The bill tied record retention requirements to those of federal Medicare laws and required dispensed drug labels to include the beyond use date of the drug.

Finally, the bill proposed to establish a statutory review committee to review the current scope of practice for pharmacists and to make recommendations for change if necessary by January 1, 2000.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-80) proposed to add an emergency preamble and an emergency clause to the bill. This amendment clarified the definition of "compounding." Reference to the Maine Revised Statutes, Title 22, section 1711-C was removed and breach of confidentiality of health care information pursuant to state law was added to the grounds for discipline. Applications for certificates of registration would be required to include a certification by the pharmacist in charge. This amendment also charged the statutory review committee with the duty of reviewing requirements for the labeling of prescriptions. This amendment also added a fiscal note to the bill.

House Amendment "A" (H-205) proposed to change the date that the statutory review committee must submit a written report from January 1, 2000 to December 31, 1999.

Enacted law summary

Public Law 1999, chapter 130 amends the Maine Pharmacy Act. It defines automated pharmacy systems and authorizes the Maine Board of Pharmacy to establish standards for their use. The law also defines compounding and redefines practitioner. The law allows for issuance of prescription drug orders by electronic transmission. It allows the board to use discretion in issuing a license by reciprocity and aligns the board's license and continuing education cycles with the calendar year. The law removes the mandatory provision of executive session for informal conferences and adds breach of confidentiality to the area of unprofessional conduct. The law allows a pharmacist to be in charge of more than one outlet with written authorization from the board and requires applications for certificates of registration to include a certification by the pharmacist in charge. The law also allows drug outlets to open prior to state site inspection. The law ties record retention requirements to those of federal Medicare laws and requires dispensed drug labels to include the beyond use date of the drug.

Finally, the law establishes a statutory review committee to review the current scope of practice for pharmacists and to make recommendations for change if necessary. The review must address the issues of drug administration, collaborative practice, the current regulatory relationship between the Board of Pharmacy and institutional pharmacies and the current requirements for the labeling of prescriptions. The review committee must also develop standards for the inclusion of both brand names and generic names on prescription labels.

Chapter 130 was enacted as an emergency measure effective May 6, 1999.

LD 640**An Act to Require Informed Consent when Using Mercury in Dental Procedures****ONTP**Sponsor(s)
MICHAUDCommittee Report
ONTPAmendments Adopted

LD 640 proposed to require informed consent from the patient for a dental procedure involving the use of mercury or mercury amalgam, including information on the intended use, potential advantages and disadvantages and other options for completing the dental procedure.

LD 675**An Act to Amend Consumer Protection Laws with Respect to Internet Service****CARRIED OVER**Sponsor(s)
NUTTING JCommittee ReportAmendments Adopted

LD 675 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to require Internet providers to identify to each customer any local access numbers and long-distance access numbers that the customer may use to access the provider.

LD 732**An Act to Require Certain Disclosures by Providers of Funeral Services****PUBLIC 282**Sponsor(s)
STANLEYCommittee Report
OTP-AMAmendments Adopted
H-398

LD 732 proposed to require persons who provide funeral services or supplies to disclose the ownership of the funeral establishment and all of the options in services and supplies available for burial or cremation and to disclose the necessity and cost of each option.

Committee Amendment "A" (H-398) replaced the bill and proposed to require funeral establishments to disclose the ownership of the funeral establishment and whether rental caskets are offered. This amendment also clarified that these disclosures supplement the disclosures required by Federal Trade Commission regulations. This amendment also added an allocation section and a fiscal note.

Enacted law summary

Public Law 1999, chapter 282 requires funeral establishments to disclose the ownership of the funeral establishment on all contracts or agreements for the provision of funeral services or supplies. The law also requires funeral establishments to disclose on its price lists either that rental caskets are offered and the cost of rental or that rental caskets are not offered. These disclosures supplement disclosures required by the Federal Trade Commission.

LD 745**An Act to Amend the Licensing Provisions Under the Propane and Natural Gas Act****PUBLIC 133**

Sponsor(s)
MCDONOUGH
KONTOS

Committee Report
OTP-AM

Amendments Adopted
H-201

LD 745 proposed to exempt from the Propane and Natural Gas Act self-service propane or natural gas dispensing stations that dispense fuel into a clean fuel vehicle through pumps that have been certified to standards of safety equivalent to those applicable to gasoline delivery pumps certified for self-service operation by any motor vehicle operator.

Committee Amendment "A" (H-201) replaced the bill. This amendment defined "self-service propane or natural gas dispenser" and exempted individual users of self-service propane or natural gas dispensers from the licensing provisions of the Propane and Natural Gas Act.

Enacted law summary

Public Law 1999, chapter 133 amends the Propane and Natural Gas Act. The law defines "self-service propane or natural gas dispenser" and exempts individual users of self-service propane or natural gas dispensers from the licensing provisions of the Act.

LD 784**An Act to Prohibit the Use of Social Security Numbers for Identification Purposes****ONTP**

Sponsor(s)
TRACY

Committee Report
ONTP

Amendments Adopted

LD 784 proposed to expand the prohibition under current law on use of social security numbers to prohibit all business organizations, governmental entities and all other entities operating in the State from requesting a person's social security number for any purpose unless it is necessary to collect or disperse social security funds or when federal law requires the Federal Government to obtain a person's social security number from the business. Employers were permitted to request an employee's social security number without these limitations. The Attorney General was given the power to enforce the prohibition.

LD 814**An Act to Create a Lemon Law for Inboard Motorboats****ONTP**

Sponsor(s)
MUSE

Committee Report
ONTP

Amendments Adopted

LD 814 proposed to establish a "lemon law" governing the sale and lease of new inboard motorboats in the State. It also proposed to establish state-certified arbitration for disputes over new inboard motorboats.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE BERRY R	OTP-AM	S-105

LD 869 proposed to add a fidelity bond or liability insurance requirement for payroll processors who register with the State Tax Assessor.

Committee Amendment "A" (S-105) proposed to provide more specific information about the type of liability coverage required and changed the minimum amount of coverage payroll processors would be required to obtain. This amendment also added an effective date of January 1, 2000 and added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 172 requires each registered payroll processor to provide proof of fidelity bond, employee dishonesty bond, third-party fidelity coverage or liability insurance. Chapter 172 is effective January 1, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR	OTP-AM	H-234

LD 941 proposed to allow a minority of the owners of a certified public accounting or public accounting firm to be nonlicensed.

Committee Amendment "A" (H-234) proposed to clarify the requirements for nonlicensee owners of certified public accounting or public accounting firms. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 200 allows accounting firms with a minority of nonlicensed owners to apply for a permit to practice.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM	S-309 S-411 MICHAUD

LD 949 proposed to amend the laws governing the Small Enterprise Growth Program to allow investments to be made in companies with sales not exceeding \$5,000,000 or 50 or fewer employees. This change would make the eligibility consistent with the Finance Authority of Maine's small business loan insurance program.

The bill would set terms of members of the Small Enterprise Growth Board at 2 years, rather than one year, with a maximum of 3 consecutive 2-year terms. It would increase the amount the board can invest in any recipient from

\$150,000 to \$500,000. It also would allow the board to obtain an equity or ownership interest in a recipient when the board determines that such an equity position would provide the most appropriate return on the board's investment in the enterprise.

The bill proposed to repeal the requirement that the Small Enterprise Growth Board only invest in enterprises that are not able to access sufficient financial assistance from a financial institution.

Finally, it proposed to amend the eligibility provision of the Agricultural Marketing Loan Fund to clarify that businesses engaged in the growing or harvesting of trees and the processing of wood into by-products or into raw materials for the papermaking process are ineligible for loans under the program.

Committee Amendment "A" (S-309) proposed to make the following changes to the bill:

1. It would require the Finance Authority of Maine to report annually to the Legislature on disbursements made under the Small Enterprise Growth Fund.
2. It would modify the requirement that matching funds obtained by a small business receiving an investment from the Small Enterprise Growth Fund must be at risk in the company for 5 years.
3. It would allow the authority to use the moral obligation of the State to assist businesses with expansion plans or plans to move to the State with revenues of over \$1,000,000, which would retain or create 50 jobs.
4. It would increase the maximum loan insurance the authority can provide for a retail business and remove limitations on the authority's ability to provide assistance to retail businesses.
5. It would correct an inconsistency in the Maine Seed Capital Tax Credit Program by making investments in technology-intensive businesses eligible for the tax credit when those investments are made directly in the business and not solely when made through a venture capital fund.
6. It would modify the definition of facility owner for applicants to the Fund Insurance Review Board to include related entities and individuals and clarify the time that the owner is determined for purposes of application to the fund.
7. It also added a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-411) proposed to change the definition of "agricultural enterprise" for purposes of the Agricultural Marketing Loan Fund. This amendment also proposed to remove that portion of the committee amendment that modifies the definition of "facility owner" for applicants to the Fund Insurance Review Board.

Enacted law summary

Public Law 1999, chapter 504 makes changes to the Small Enterprise Growth Program, the Maine Seed Capital Tax Credit Program and the Agricultural Marketing Loan Fund. See also LD 2255 (Public Law 1999, chapter 531).

LD 952

An Act to Reduce Unsolicited Communications from the Internet

CARRIED OVER

Sponsor(s)
MILLS

Committee Report

Amendments Adopted

LD 952 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to:

1. Provide civil remedies for electronic mail providers against registered users who use the provider's equipment located in this State in violation of the provider's policy prohibiting or restricting the use of its service or equipment for the initiation of unsolicited electronic mail advertisements;
2. Provide civil remedies for electronic mail providers against any person who initiates an unsolicited electronic mail advertisement using the provider's equipment located in this State in violation of that provider's policy prohibiting or restricting the use of its equipment to deliver unsolicited electronic mail advertisements to its registered users;
3. Establish criminal penalties for a person who:
 - A. Knowingly accesses and without permission alters, damages, deletes, destroys or otherwise uses any data, computer system or computer network in order to:
 - (1) Devise or execute any scheme or artifice to defraud, deceive or extort; or
 - (2) Wrongfully control or obtain money, property or data;
 - B. Knowingly accesses and without permission takes, copies or makes use of any data from a computer, computer system or computer network, or takes or copies any supporting documentation, whether existing or residing inside or outside a computer, computer system or computer network;
 - C. Knowingly and without permission uses or causes to be used computer services;
 - D. Knowingly accesses and without permission adds, alters, damages, deletes or destroys any data, computer software or computer programs that reside or exist inside or outside a computer, computer system or computer network;
 - E. Knowingly and without permission disrupts or causes the disruption of computer services or denies or causes the denial of computer services to an authorized user of a computer, computer system or computer network;
 - F. Knowingly and without permission provides or assists in providing a means of accessing a computer, computer system or computer network;
 - G. Knowingly and without permission accesses or causes to be accessed any computer, computer system or computer network;
 - H. Knowingly introduces any computer contaminant into any computer, computer system or computer network; or
 - I. Knowingly and without permission uses the Internet domain name of another individual, corporation or entity in connection with the sending of one or more electronic mail messages, and thereby damages or causes damage to a computer, computer system or computer network.

LD 955

An Act to Recodify the Auctioneers Licensing Law

PUBLIC 146

Sponsor(s)
MACKINNON

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
S-95

LD 955 proposed to rewrite the auctioneers licensing law. The bill organized the law into subchapters that clarify standards of practice and license requirements. In addition, definitions used in the chapter were clarified and expanded and the license renewal cycle was changed from biennial to annual.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-95) proposed to change the fee cap for auctioneers from \$200 to \$100 per year for residents and \$125 per year for nonresidents. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 146 is a rewrite of the auctioneers licensing law. The law organizes the statute into subchapters that clarify standards of practice and license requirements. In addition, definitions are clarified and expanded. The law changes the renewal cycle for licenses from a biennial to an annual renewal and sets the licensing fee cap at \$100 per year for residents and \$125 per year for nonresidents. The grounds for disciplinary sanctions have been revised to include the failure to account for property, as well as money, that comes into the licensee's possession and that belongs to others and the criminal conviction violation has been revised to include any crime that bears directly on the practice of auctioning.

LD 967 An Act Concerning Heating Sources in Public Housing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAGDON MITCHELL B	ONTP	

LD 967 proposed to repeal the law that requires higher insulation standards for the installation of electric heat in multifamily residential buildings funded in whole or in part by public funds.

LD 1066 An Act to Establish the Early Care and Education Revolving Loan Program INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY ROWE	OTP-AM	

LD 1066 proposed to establish the Early Care and Education Revolving Loan Program. The program would be open to nonprofit or governmental economic development corporations or entities capable of providing financial assistance to businesses providing early care and education.

Committee Amendment "A" (S-223) proposed to correct a typographical error in the title of the bill. It also proposed to create the Quality Child Care Education Scholarship Fund to be used to provide scholarships for Maine residents enrolled in early childhood education or child development courses at institutions of higher education. Appropriations to the fund would be administered by the Finance Authority of Maine in overseeing the awarding of scholarships.

This amendment also proposed to provide that funds in the Early Care and Education Revolving Loan Program Fund could be used to make loans of up to \$5,000 to perform lead abatement.

Finally, this amendment proposed to expand the Regional Economic Development Revolving Loan Program administered by the Finance Authority of Maine by allowing funds to be used for loans to quality child care projects.

The Finance Authority of Maine would reserve \$300,000 for loans to quality child care projects. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-588) proposed to change an annual reporting date to the last business day of the year. This amendment was not adopted.

The provisions of this bill and amendments were subsequently incorporated into LD 617 (Public Law 1999, chapter 401, Part 000).

LD 1070

An Act to Expand the Bottle Law to Include Certain Beverage Containers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	ONTP	

LD 1070 proposed to subject to the bottle law rice milk, unflavored soymilk, milk and dairy-derived beverage containers that are 24 ounces in size or less.

LD 1083

An Act to Amend the Real Estate Brokerage Law

PUBLIC 129

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS O'NEAL	OTP-AM	S-77

LD 1083 proposed to amend the real estate brokerage laws. The proposed changes in the bill would:

1. Repeal the licensing requirement for time-share agents;
2. Repeal the right of a complainant to appeal a decision made by the director to dismiss or not to pursue a complaint;
3. Increase the number of continuing education clock hours from 12 to 15 for active licensees;
4. Increase in increments the total number of hours required to activate a license;
5. Require an examination for licensees activating after six years on the inactive status;
6. Repeal one method to qualify for licensure as an associate broker;
7. Repeal an outdated section requiring specific disclosure for mobile home sales with or without land; and
8. Clarify sections regarding the need for certain listings to be in writing, the duty to produce documents requested by the director, the need to license branch offices, the duty to notify the commission of material changes in the original license application and certain definitions used in the agency relationship subchapter.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-77) proposed to clarify that the time frames for determining the requirements to reinstate an inactive real estate broker license begin running on the effective date of the bill. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 129 amended the Real Estate Brokerage License Act in the following ways:

1. It repeals the licensing requirement for time-share agents;
2. It exempts time-share transactions from the Act;
3. It repeals the right of a complainant to appeal a decision made by the director to dismiss a complaint or to refuse to pursue an investigation of an alleged violation of the Act;
4. It changes one of the reasons for disciplinary sanctions from “failure to produce documents concerning any transaction under investigation” to “failure to produce documents concerning any matter under investigation”;
5. It repeals the exemption that exempts a licensee’s place of residence from the requirement to be licensed as a branch office;
6. It clarifies the types of listings that must be in writing;
7. It clarifies the licensee’s responsibility to notify the Commission of any material change in the licensee’s original application;
8. It requires a licensee who has held an inactive license for 6 years or more to pass an examination to activate the license. For licensees who have held an inactive license for under 6 years, the number of clock hours of continuing education required to activate the license are increased. The timeframes for determining the requirements for reinstatement of a license to active status begin running on the effective date of Chapter 129;
9. It increases the number of continuing education clock hours from 12 to 15 for active licensees; and

10. It eliminates one of the current methods to qualify for licensure as an associate broker.

See also LDs 11, 1176, 1450 and 2130.

LD 1094

An Act to Promote Economic Development in Northern Maine

CARRIED OVER

Sponsor(s)
KNEELAND
PARADIS

Committee Report

Amendments Adopted

LD 1094 is being carried over to the Second Regular Session of the 119th Legislature.

The bill is a concept draft pursuant to Joint Rule 208. The bill proposes to implement legislation to improve economic development opportunities in northern Maine. It proposes to:

1. Improve the infrastructure;
2. Enhance existing businesses and encourage job growth;
3. Attract high-tech and high-wage jobs; and

4. Promote a stable economic environment through the review of current rules and regulations and taxes and make any necessary changes.

LD 1126

An Act to Increase Internal Plumbing Fees and Remedy Inconsistencies in Plumbing Laws

PUBLIC 228

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DOUGLASS	OTP-AM	H-233

LD 1126 proposed to increase plumbing permit fees and remove references to rules governing plumbing adopted by the Department of Human Services. It proposed to allow a municipality to enact ordinances under its home rule authority that are more restrictive than rules governing plumbing adopted by the Department of Professional and Financial Regulation. It also proposed that a portion of plumbing permit fees paid must be used by the Department of Human Services to administer the receipt and collation of completed permits and the issuance of plumbing permit labels to municipalities and by the State Planning Office for training and certification of local plumbing inspectors.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-233) added an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 228 increases plumbing permit fees and removes references to rules governing plumbing adopted by the Department of Human Services. The law allows a municipality to enact ordinances under its home rule authority that are more restrictive than rules governing plumbing adopted by the Department of Professional and Financial Regulation. It also provides that a portion of plumbing permit fees paid must be used by the Department of Human Services to implement subsurface wastewater disposal rules and administer the receipt and collation of completed permits and the issuance of plumbing permit labels to municipalities and by the State Planning Office for training and certification of local plumbing inspectors. The remainder of the fee will be paid to the municipality.

LD 1147

An Act to Decriminalize Resource Protection Violations by Seafood Dealers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK		

LD 1147 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish the Board of Seafood Dealers to enforce violations, review complaints against seafood dealers and take disciplinary action. The board would consist of 7 members appointed by the Governor. Six members would be licensed seafood dealers. One member would be a representative of the Department of Marine Resources with expertise in matters relating to seafood dealers.

LD 1176 **An Act to Amend the Real Estate Brokerage Laws Regarding Property Disclosure** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CIANCHETTE DAGGETT		

LD 1176 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to exempt nonresidential property sales from the Maine Real Estate Commission rules on property disclosure.

See also LDs 11, 1083, 1450 and 2130.

LD 1182 **An Act to Amend the Qualifications of Weighmasters** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER PINGREE		

LD 1182 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish a corporate public weighmaster license.

LD 1186 **An Act Regarding the Circumstances under Which a Physician May Be Disciplined** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	ONTP	

LD 1186 proposed to allow the Board of Licensure in Medicine to censure or otherwise discipline a person licensed in medicine if that person commits even one act of incompetence on one patient.

LD 1189 **An Act to Ensure Adequate Funding of Certain Public Safety Programs of Occupational or Professional Licensure Boards** **PUBLIC 257**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACKINNON	OTP-AM	S-178

LD 1189 addressed three separate boards under the jurisdiction of the Department of Professional and Financial Regulation. The bill proposed to increase the license fee cap of the Board of Licensure of Podiatric Medicine. The bill proposed to raise the licensing fee cap and amend the biennial renewal schedule of the Board of Licensing of Dietetic Practice. Finally, the bill proposed to raise the license fee cap under the Board of Complementary Health Care Providers.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-178) added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 257 increases the license fee cap of the Board of Licensure of Podiatric Medicine, raises the licensing fee caps and amends the biennial renewal schedule of the Board of Licensing of Dietetic Practice and raises the initial fee cap under the Board of Complementary Health Care Providers.

LD 1206

An Act to Provide for the 1999 and 2000 Allocations of the State Ceiling on Private Activity Bonds

PUBLIC 443 EMERGENCY

Sponsor(s)
KONTOS
O'NEAL

Committee Report
OTP-AM

Amendments Adopted
S-341
S-362 KONTOS

LD 1206 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 1999 and 2000. Under federal law, a maximum of \$150,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-341) replaced the bill and proposed to establish the allocation of the state ceiling on issuance of tax-exempt bonds for calendar years 1999 and 2000.

This amendment would establish the Loans to Lenders Pilot Program to study the feasibility of and implement a pilot program by which private lending institutions could access a portion of the proceeds of bonds issued using an allocation of the state ceiling allocated to the Finance Authority of Maine for education loans. The authority of the Finance Authority of Maine to issue bonds under the Loans to Lenders Pilot Program would terminate on March 1, 2000.

This amendment would change membership of the group that may allocate and reallocate with respect to the state ceiling during any time that the Legislature is not in session.

This amendment would require that bonds issued using an allocation of the state ceiling be used for the benefit of Maine individuals, communities or businesses and would require bond issuers to annually report to the Governor and the Legislature on who benefited from the state ceiling.

This amendment would require an issuer or lender to provide, prior to receiving an allocation of the state ceiling for the issuance of education loans, examples of the disclosures to be made to loan recipients or obligors. It also would require that federally authorized student loans purchased or originated with proceeds of tax-exempt bonds using a portion of the state ceiling be guaranteed by the Finance Authority of Maine until July 15, 2000. The Finance Authority of Maine would be required to use its best efforts to provide competitive rates for the guarantee function. This amendment also creates the requirement that the members of the Maine Educational Loan Authority are subject to confirmation by the Legislature.

This amendment would establish the Commission on the State Ceiling on Tax-exempt Bonds to study the allocation of the state ceiling on tax-exempt bonds. The commission would report its findings and proposed legislation to the Joint Standing Committee on Business and Economic Development by January 14, 2000.

This amendment also added a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-362) proposed to clarify that credit unions are included in the definition of lenders eligible to receive loans under the Loans to Lenders Pilot Program.

Enacted law summary

Public Law 1999, chapter 443 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 1999 and 2000. Under federal law, a maximum of \$150,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year

Chapter 443 changes membership of the group that may allocate and reallocate with respect to the state ceiling during any time that the Legislature is not in session, and requires that bonds issued using an allocation of the state ceiling be used for the benefit of Maine individuals, communities or businesses and requires bond issuers to annually report to the Governor and the Legislature on who benefited from the state ceiling.

An issuer or lender is required to provide, prior to receiving an allocation of the state ceiling for the issuance of education loans, examples of the disclosures to be made to loan recipients or obligors. Federally authorized student loans purchased or originated with proceeds of tax-exempt bonds using a portion of the state ceiling must be guaranteed by the Finance Authority of Maine until July 15, 2000. The Finance Authority of Maine must use its best efforts to provide competitive rates for the guarantee function. Chapter 443 also creates the requirement that the members of the Maine Educational Loan Authority are subject to confirmation by the Legislature.

Chapter 443 establishes the Loans to Lenders Pilot Program to study the feasibility of and implement a pilot program by which private lending institutions may access a portion of the proceeds of bonds issued using an allocation of the state ceiling allocated to the Finance Authority of Maine for education loans. The authority of the Finance Authority of Maine to issue bonds under the Loans to Lenders Pilot Program terminates on March 1, 2000.

Chapter 443 also establishes the Commission on the State Ceiling on Tax-exempt Bonds to study the allocation of the state ceiling on tax-exempt bonds. The commission shall report its findings and proposed legislation to the Joint Standing Committee on Business and Economic Development by January 14, 2000.

Chapter 443 was enacted as an emergency measure effective June 9, 1999.

LD 1233

An Act to Provide for Automated Restrooms

ONTP

Sponsor(s)
POVICH

Committee Report
ONTP

Amendments Adopted

LD 1233 proposed to require that all new commercial or institutional buildings be equipped with automated restrooms.

LD 1253

An Act to Create the Board of Cemetery and Crematory Services

CARRIED OVER

Sponsor(s)
CAMPBELL

Committee Report

Amendments Adopted

LD 1253 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to create the Board of Cemetery and Crematory Services to assist the Attorney General in the investigation of consumer complaints concerning cemeteries and crematories and to work closely with the Department of Human Services, Bureau of Health and Office of Data Research and Vital Statistics on issues relating to cemetery and crematory operations.

LD 1286**An Act to Expand Economic Development Opportunity****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN NUTTING J	ONTP	

LD 1286 proposed to add the Commissioner of Agriculture, Food and Rural Resources as a member of the Small Enterprise Growth Board. The bill also proposed to add ethanol production or processing facilities as a business that qualifies for funding under the Small Enterprise Growth Program. Finally, the bill proposed to amend the Agricultural Marketing Loan Program by providing that an agricultural marketing loan for a start-up agricultural business or a business engaged in ethanol production or processing may be for an amount up to 80% of the total cost of the project.

LD 1292**An Act to Enhance Tourism Promotion and Provide Additional State Revenue****VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER LAWRENCE	OTP	S-406 MICHAUD

LD 1292 proposed to provide additional General Fund appropriations to the Office of Tourism and Community Development. It would provide matching funds for the Travel Promotion Matching Fund Program and enact language regarding the allocation and fund distribution procedures. It would also provide additional funding for tourism contract services.

Senate Amendment "A" (S-406) proposed to reduce the General Fund appropriation provided for the Travel Promotion Matching Fund and eliminate appropriations for contract services in the Office of Tourism.

The Legislature enacted the bill with Senate Amendment "A", however, the Governor vetoed the bill. The veto was sustained.

LD 1295**An Act Regarding Continuing Education for Professional Land Surveyors****PUBLIC 335**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM	H-232 H-547 O'NEAL

LD 1295 proposed to remove the March 1, 1999 repeal provision that eliminates the continuing education requirement for professional land surveyors.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-232) proposed to add a retroactivity clause and provided for the continuing education rules enacted by the Board of Licensure for Professional Land Surveyors that were in effect on February 28, 1999 to remain in effect.

House Amendment "A" (H-547) proposed to remove the emergency preamble and the emergency clause from the bill.

Enacted law summary

Public Law 1999, chapter 335 removes the March 1, 1999 repeal provision that eliminates the continuing education requirement for professional land surveyors, adds a retroactivity clause and provides for the continuing education rules enacted by the Board of Licensure for Professional Land Surveyors that were in effect on February 28, 1999 to remain in effect.

LD 1304 **An Act to Amend the Laws Regarding the Hiring of Physicians for
Maine Summer Camps** **ONTP**

<u>Sponsor(s)</u> MCKEE NUTTING J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1304 proposed to reduce certain medical training requirements to allow a physician who is in good standing and licensed as a physician in another state to be temporarily licensed as a camp physician in this State.

LD 1414 **Resolve, to Support Downtown Revitalization through the Location of
State Facilities and Targeting Economic Development Funding** **CARRIED OVER**

<u>Sponsor(s)</u> TREAT COLWELL	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1414 is being carried over to the Second Regular Session of the 119th Legislature. The resolve proposes to direct the Department of Economic and Community Development to develop a state policy that gives preference to downtown areas for the location of state facilities and avoids contributing to urban sprawl. The policy would incorporate a proactive strategy to promote investment in communities that have state offices or facilities that service clients including targeting economic funds to assist in renovating buildings for potential use for state facilities and providing outreach and technical assistance to communities that have state offices or facilities that service clients to attract state facilities or other businesses to downtown areas. The Department of Economic and Community Development would work with other state agencies in developing this policy including the Department of Administrative and Financial Services, the Department of Transportation, the Maine State Housing Authority and the Finance Authority of Maine. The Department of Economic and Community Development would report to the Joint Standing Committee on Business and Economic Development with its proposed strategy by January 15, 2000.

See LD 304 - Resolve, to Establish the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development considered by the State and Local Government Committee.

LD 1436**An Act to Transfer the Regulatory Responsibilities of the Arborist Examining Board to the Department of Agriculture, Food and Rural Resources****PUBLIC 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL KONTOS	OTP	S-63 KONTOS

LD 1436 proposed to repeal the laws relating to the Arborist Examining Board and the laws that give the Department of Professional and Financial Regulation the duty to license arborists. The bill also proposed to enact laws similar to the current laws governing the licensing of arborists that give the Department of Agriculture, Food and Rural Resources the duty to license arborists.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Senate Amendment "A" (S-63) added an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 84 repeals the current laws relating to the Arborist Examining Board and the laws that give the Department of Professional and Financial Regulation the duty to license arborists. Laws similar to the current laws governing the licensing of arborists are enacted that give the Department of Agriculture, Food & Rural Resources the duty to license arborists.

LD 1437**An Act to Reorganize the Real Estate Appraisers Law****PUBLIC 185**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL KONTOS	OTP-AM	H-251

LD 1437 proposed to amend the Real Estate Appraisal Licensing and Certification Act. It proposed to reorganize the Act into separate subchapters containing general provisions, establishing the Board of Real Estate Appraisers and setting forth the licensing requirements and standards for appraisers. In addition, the bill proposed to define the scope of practice for each level of appraiser licensure.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-251) proposed to define “federally related transaction.” It also proposed to increase the number of units from 4 to 12 that are within the scope of license of a certified residential real property appraiser for nonfederally related transactions. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 185 repeals and replaces the Real Estate Appraisal Licensing and Certification Act. Chapter 185 organizes the law into three subchapters containing general provisions, establishment of the Board of Real Estate Appraisers, and licensing requirements and standards for appraisers. The law also defines the scope of practice for each level of appraiser licensure.

LD 1446**Resolve, to Create the Business Advisory Commission on Quality Child Care Financing****RESOLVE 66
EMERGENCY**

Sponsor(s)
LONGLEY
ROWE

Committee Report
OTP-AM

Amendments Adopted
S-179
S-461 MICHAUD

LD 1446 proposed to establish the Business Advisory Commission on Quality Child Care Financing to examine issues of public policy pertaining to quality child care and early education, the financing of quality child care and early education and economic development incentives available to encourage the development of quality child care and early education facilities and services. The commission would report no later than December 1st of each year to the Commissioner of Economic and Community Development, the Commissioner of Education, the Commissioner of Human Services, the joint standing committee of the Legislature having jurisdiction over business and economic development matters, the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Committee Amendment "A" (S-179) proposed to replace the bill with a resolve. This amendment would change the annual reporting date of the Business Advisory Commission on Quality Child Care Financing to a one-time reporting date of December 1, 2000. This amendment also would delete reference to terms of commission members and would add a representative from the child care licensing division of the Department of Human Services to the commission. This amendment also added an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-461) proposed to specify the appointment of the chairs of the Business Advisory Commission on Quality Child Care Financing and the compensation of Legislative commission members and limited the study to one year and three meetings.

Enacted law summary

Resolve 1999, chapter 66 establishes the Business Advisory Commission on Quality Child Care Financing to examine issues of public policy pertaining to quality child care and early education, the financing of quality child care and early education and economic development incentives available to encourage the development of quality child care and early education facilities and services. The commission must report no later than December 1, 2000 to the Commissioner of Economic and Community Development, the Commissioner of Education, the Commissioner of Human Services, the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Education and Cultural Affairs Committee, and the Joint Standing Committee on Health and Human Services.

Chapter 66 was enacted as an emergency measure effective June 10, 1999.

LD 1447**An Act to Promote Maine's Family-friendly Business and Investment Strategies****PUBLIC 272**

Sponsor(s)
LONGLEY
ROWE

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
S-147

LD 1447 proposed to add quality child care to the types of businesses and projects that are considered in plans, analyses and funding by the Office of Business Development, the Economic Opportunity Program, the Maine Economic Growth Council, and municipal development districts. The bill also proposed to create a Quality Child Care Fund administered by the Department of Economic and Community Development into which money for quality child care received by any source could be deposited and then disbursed through the existing Economic Opportunity Program.

Committee Amendment "A " (S-147) proposed to remove the provisions of the bill that establish the Quality Child Care Fund and the requirement that a development program for a development district include plans for addressing the quality child care needs of development district employers.

Enacted law summary

Public Law 1999, chapter 272 adds quality child care to the types of businesses and projects that are considered in plans, analyses and funding by the Office of Business Development, the Economic Opportunity Program, and the Maine Economic Growth Council.

LD 1450 **An Act to Amend Agency Disclosure within the Real Estate Brokerage Laws** **PUBLIC 100**

<u>Sponsor(s)</u> CIANCHETTE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1450 proposed to amend the Real Estate Brokerage License Act by clarifying that the brokerage agency relationship disclosure form required by the Real Estate Commission must be provided to buyers and sellers of residential real property.

Enacted law summary

Public Law 1999, chapter 100 amends the Real Estate Brokerage License Act by clarifying that the brokerage agency relationship disclosure form required by the Real Estate Commission must be provided to buyers and sellers of residential property. Chapter 100 also defines “residential real property.” See also LDs 11, 1083, 1176, and 2130.

LD 1482 **An Act to Amend the Laws Governing Denturists** **ONTP**

<u>Sponsor(s)</u> MICHAUD STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1482 proposed to extend the grandfather provision for denturists from the year 2000 to the year 2003, allowing denturists to obtain temporary denturists permits until January 1, 2003 and to take the denturists examination under different eligibility requirements.

LD 1483 **An Act to Promote Parity on the Board of Licensure in Medicine and on the Board of Osteopathic Licensure** **ONTP**

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1483 proposed to provide for an equal number of representatives of the public and physicians on the Board of Osteopathic Licensure and the Board of Licensure in Medicine.

LD 1513**An Act to Clarify the Definition of "Area of Operation" for Municipal Housing Authorities****PUBLIC 104**

Sponsor(s)
HARRIMAN
RICHARDSON J

Committee Report
OTP

Amendments Adopted

LD 1513 proposed to amend the definition of "area of operation" of a housing authority. It also proposed to establish a consistent "area of operation" for all municipal housing authorities by eliminating the current distinction between housing authorities in cities and towns.

Enacted law summary

Public Law 1999, chapter 104 amends the Maine Housing Authorities Act by amending the definition of "area of operation" of a housing authority. The law establishes a consistent "area of operation" for all municipal housing authorities by eliminating the current distinction between housing authorities in cities and towns.

LD 1545**An Act Requiring Registration of Surveys in the Registry of Deeds****ONTP**

Sponsor(s)
ETNIER

Committee Report
ONTP

Amendments Adopted

LD 1545 proposed to require that any survey performed by a licensed professional land surveyor be recorded in the registry of deeds by the surveyor.

LD 1564**An Act to Require That Physician Signatures on Prescriptions Be Legible****ONTP**

Sponsor(s)
KASPRZAK

Committee Report
ONTP

Amendments Adopted

LD 1564 proposed to require a physician to print, stamp or type the physician's name below the signature blank for prescriptions in order for pharmacists to identify the physician requesting the prescription. It also proposed to require the physician's identification number to be printed, stamped or typed alongside the physician's name.

LD 1595**An Act Regarding Complementary Health Care Providers****ONTP**

Sponsor(s)
PENDLETON

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 1595 proposed to amend the laws governing the Board of Complementary Health Care Providers to eliminate the provisions regulating the practice of naturopathic medicine.

Committee Amendment "A" (S-304) was the minority report. It proposed to replace the entire text of the original bill. This amendment proposed to repeal the language in the laws regulating naturopathic medicine that allowed

naturopathic doctors to prescribe "noncontrolled legend" substances. Under this amendment, naturopathic doctors would only be allowed to recommend or prescribe nonprescription drugs, food, food extracts, homeopathic remedies, vitamins, minerals, enzymes, digestive aids and botanical substances. Naturopathic doctors would be prevented from prescribing anything that requires a prescription under state or federal laws. As a result, the provision in the original bill that would have required collaborative practice with an allopathic or osteopathic physician for a 12-month period prior to being given limited prescriptive authority was not necessary and was repealed by this amendment. This amendment also proposed to clarify that the law is not intended to prevent the practice of natural health consultation or natural health practice modalities by people other than those licensed to practice naturopathic medicine. This amendment also added an allocation section and a fiscal note to the bill.

This amendment was not enacted.

LD 1611

An Act to Integrate the Maine Economic Growth Council's Economic Growth Plan with the State's Economic Strategic Development Plan

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	ONTP	

LD 1611 proposed to require the Maine Economic Growth Council to cooperate with the Department of Economic and Community Development in developing a plan for a sustainable state economy.

LD 1618

An Act to Amend the Laws Regarding Professional Engineers

PUBLIC 186

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM	S-118

LD 1618 proposed to revise the criteria for registration as a professional engineer and certification as an engineer-intern. All applicants who are not registered in another jurisdiction would be required to pass the fundamentals of engineering examination. The bill also proposed minor clarifying changes to the laws regulating engineers.

Committee Amendment "A" (S-118) proposed to add an applicant who meets the requirements of the Maine Revised Statutes, Title 32, section 1352-A, subsection 1, paragraph D to the group of applicants who will qualify to be registered as a professional engineer beginning January 1, 2005. This amendment also added an allocation section and a fiscal note to the bill.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Enacted law summary

Public Law 1999, chapter 186 revises the qualifications for registration as a professional engineer and certification as an engineer-intern. Chapter 186 also makes minor changes to the laws regulating engineers.

LD 1636**An Act to Renew Maine's Economy****VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM A	S-190
ROWE	OTP-AM B	S-408 MICHAUD
	ONTP C	

LD 1636 proposed to provide a General Fund appropriation of \$500,000 in each year of the biennium to the Department of Agriculture, Food and Rural Resources to market Maine agricultural products.

The bill would also provide funds to the Department of Economic and Community Development for several new initiatives. They include: funding for annual legislative summits with leaders from Quebec and New Brunswick; the establishment of trade and tourism offices in Montreal, Quebec and St. John, New Brunswick; contracts for two field representatives in currently underserved and economically depressed areas; and support for the Forum Francophone.

Committee Amendment "A" (S-190)B was the majority report. This amendment proposed to strike the original bill and replace it with General Fund appropriations to the Department of Economic and Community Development for contracts for two field representatives in currently underserved and economically depressed areas and provides funds to support the Forum Francophone. This amendment also added a fiscal note.

Committee Amendment "B" (S-191) was a minority report. This amendment proposed to strike the original bill and replace it with General Fund appropriations to the Department of Economic and Community Development to support the Forum Francophone. This amendment also added a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-408) proposed to eliminate the funding for the Business Development program and clarify that General Fund appropriations for the Forum Francophone are provided on an ongoing basis.

The Legislature enacted the bill with Committee Amendment "A" and Senate Amendment "A", however, the Governor vetoed the bill. The veto was sustained.

LD 1665**Resolve, to Promote Natural Resource-based Industries****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY		
DUNLAP		

LD 1665 is being carried over to the Second Regular Session of the 119th Legislature. The resolve proposes to direct the State Planning Office to develop a report that:

1. Proposes ways to ensure that state resources dedicated to natural resource-based industries are equitable with state resources dedicated to other business development;
2. Analyzes the current needs of the workforce for natural resource-based industries and the education programs that service this workforce; and
3. Proposes new education programs that will encourage individuals to enter into the fishing, farming and forestry industry.

LD 1676**An Act to License Installers of Septic Systems****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	ONTP	

LD 1676 was a concept draft pursuant to Joint Rule 208 and proposed to establish licensing requirements for installers of septic systems.

LD 1702**An Act to Increase the Number of Plumbing Inspectors****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLDUC	ONTP	

LD 1702 proposed to require the state to appoint at least 10 state plumbing inspectors.

LD 1716**An Act to Amend the Petroleum Market Share Act****PUBLIC 151**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND	OTP	

LD 1716 proposed to extend the sunset provision of the Petroleum Market Share Act to September 1, 2005.

Enacted law summary

Public Law 1999, chapter 151 extends two sunset provisions of the Petroleum Market Share Act to September 1, 2005. The sections affected are the provision that requires reporting by wholesalers and refiners to the Attorney General's Office and the provision that requires fees to be paid to support the work of the Attorney General's Office.

LD 1726**An Act to Ensure Fair Competition within the Motor Fuels Industry****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASSIDY BUCK		

LD 1726 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to amend the Petroleum Market Share Act to ensure fair competition among Maine's petroleum marketers by requiring the State to eliminate anti-competitive situations.

LD 1735**An Act to Create a Business Incentive Program****ONTP**Sponsor(s)
AHEARNECommittee Report
ONTPAmendments Adopted

LD 1735 was a concept draft pursuant to Joint Rule 208. It proposed to establish a business incentive program to reward businesses in the State that met or exceeded environmental, workplace safety and employment goals. Businesses that met those criteria would get a tax break or low-interest loans to be used for expansion and job development.

LD 1789**An Act to Improve the Licensing Procedures for Veterinarians****CARRIED OVER**Sponsor(s)
DAGGETT
GAGNONCommittee ReportAmendments Adopted

LD 1789 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to enable the Board of Veterinary Medicine to charge a lesser licensing fee for veterinarians who are no longer engaged in active practice but who want to remain licensed.

The bill also proposes to clarify administrative procedures for the relicensing of veterinarians by establishing provisions very similar to those governing the relicensing of physicians.

LD 1828**An Act to Improve the Quality of Child Care****ONTP**Sponsor(s)
LAWRENCE
BERRY RCommittee Report
ONTPAmendments Adopted

LD 1828 proposed to establish the Child Care Education Scholarship Program to provide scholarships to child care workers who take courses related to early childhood education or child care from an accredited college or university. The bill proposed to make General Fund appropriations to the Child Care Education Scholarship Fund to be administered by the Finance Authority of Maine in overseeing the award of scholarships. See LD 1066.

LD 1846**An Act to Require Motion Picture Distributors to Give Exhibitors an Equal Opportunity to Bid for the Right to Exhibit Motion Pictures****CARRIED OVER**Sponsor(s)
POVICHCommittee ReportAmendments Adopted

LD 1846 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to require that motion picture distributors give motion picture exhibitors an equal opportunity to bid on the right to exhibit motion pictures in the State.

LD 1873**An Act to Require Prescription Labels to Include Certain Information****ONTP**

<u>Sponsor(s)</u> BENOIT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1873 proposed to require that for all prescriptions written, in addition to information already required on the label, the medical diagnosis for which the prescription is written must also appear on the label.

LD 1877**An Act to Encourage Lending and Technical Assistance to Natural Resource-based and Micro Businesses****ONTP**

<u>Sponsor(s)</u> TREAT GREEN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1877 proposed to require a state agency or other organization that receives state funding for the purposes of economic and community development to develop a strategy to ensure that natural resource-based businesses and businesses with three or fewer employees have access to lending programs with priority placed upon disseminating information and assistance to rural areas. The bill also proposed to require that an agency or organization required to develop such a strategy report by January 15th of each year to the joint standing committee of the Legislature having jurisdiction over business and economic development matters concerning the effect and impact of the strategy in relation to the purposes of the bill. The bill also proposed to require the Maine Small Business Commission to coordinate outreach and technical assistance to natural resource-based businesses and businesses with three or fewer employees and to work closely with various state agencies and other programs to develop an overall plan for this outreach and technical assistance.

LD 1884**An Act to Create a Matching Grant Fund to Provide Technical Assistance to Small Wood Products Manufacturers****ONTP**

<u>Sponsor(s)</u> MILLS BAGLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1884 proposed to establish the Small Wood Products Manufacturers Fund to be administered by the Finance Authority of Maine. The fund would provide matching grants to small wood products businesses to provide technical assistance to foster innovation or develop new markets or new technologies. Recipients would be required to use the grants to reduce risk and permit access to specific technical expertise for product, technology or business development that is not generally available to small wood products businesses. The grants would be used to hire outside technical or business expertise with preference given to expertise from a college or university in the State. The grants would be matching grants with no one grant to exceed \$10,000, no one small wood products business to receive more than \$10,000 in any 5-year period and the small business recipient to provide 100% matching funds for any grant received. Costs of the grant would be limited to 30% for salaries for the outside experts, 30% to indirect costs and 30% to travel expenses. Grantees would report semiannually on the status of their grant to the Finance Authority of Maine.

LD 1885**Resolve, to Create a Task Force to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels****ONTP**Sponsor(s)
KILKELLYCommittee Report
ONTPAmendments Adopted

LD 1885 proposed to establish the Task Force to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels. Under the bill, the task force would study the increasing sale of counterfeit goods in this State and recommend statutory changes, if needed, to ensure appropriate sanctions are imposed on this activity; the offering for sale of certain consumer goods in flea markets that may endanger the health and well-being of the State's consumers; and the use of improper or counterfeit Universal Price Code labels by persons trying to defraud merchants.

LD 1895**An Act to Establish Enterprise Zones to Fund Businesses in Areas of High Unemployment****CARRIED OVER**Sponsor(s)
LAVERDIERE
MILLSCommittee ReportAmendments Adopted

LD 1895 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to establish enterprise zones in areas of the State in which the unemployment rate exceeds the statewide average unemployment rate by 75% or more. These enterprise zones would receive priority for all state economic development funds. The bill also proposes to establish a fund in the Finance Authority of Maine and finance the fund through bonds issued by FAME. A business located in an enterprise zone could receive loans from the fund, based on criteria established and administered by FAME.

LD 1900**An Act to Give Consumers Restroom Access****ONTP**Sponsor(s)
SNOWE-MELLOCommittee Report
ONTPAmendments Adopted

LD 1900 proposed to require businesses to make restroom facilities available to customers who express an urgent need.

LD 1910**An Act to Promote Economic Development in Central Maine****CARRIED OVER**Sponsor(s)
CAMPBELLCommittee ReportAmendments Adopted

LD 1910 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in central Maine. It proposes to:

1. Issue a \$5,000,000 bond to establish a revolving loan fund to capitalize the Community Industrial Buildings Fund, a fund to assist local development corporations in constructing community industrial buildings in economically deprived rural and urban areas. The fund would be matched with at least \$1,250,000 in private and public contributions;
2. Provide \$1,000,000 in funding to the Business Attraction Marketing Program in the Department of Economic and Community Development;
3. Require that 1% of all funds appropriated for research and development projects in this State be used to attract new businesses to locate in Maine to manufacture the items that are the products of the research and development;
4. Require the State Economic Development Strategy to include provisions for regional components that are consistent with economic development district plans;
5. Implement the recommendations of the Downtown Initiative in the Department of Community and Economic Development focusing on how to revitalize downtown areas in Maine;
6. Require that economic development districts be given a copy of results of any research by the Department of Economic and Community Development into industries and communities that are at risk for loss of jobs and businesses. The districts must use the results to develop a volunteer stakeholder task force to find solutions to any of the problems raised by the research and report back to the Governor and the Legislature with solutions and funding suggestions;
7. Appoint a volunteer stakeholder group to establish a Winter Harbor Development Group. The goal of the group is to explore and suggest alternative uses for the Winter Harbor base such as an international hotel, recreation facility, conference center or retreat;
8. Expand and modify the current local administrative contracting program for road building to provide for the construction of local roads quicker and less expensively;
9. Provide appropriate assistance, such as funding and state regulation application assistance, to expedite the dredging of the Penobscot River for the purpose of improving the navigable channel;
10. Establish an intermodal passenger system for Bangor International Airport by linking a terminal on airport grounds with rail and road access, including access to the state-owned Brewer-to-Calais railroad from the airport and Northern Maine Junction. Airport terminal access by road would be improved through the appropriation of funds and matching federal funds to reroute Maine Avenue;
11. Require the Department of Transportation to develop and implement a strategy to provide, where practical, connections from each state-owned or state-leased rail line to multiple railroad common carriers in order that Maine businesses and the public have affordable and unhampered access to the national rail transportation system;
12. Provide tax-exempt status to the sale or lease of an aircraft based in this State and regularly engaged in air commerce, or the replacement or repair parts for such an aircraft;
13. Eliminate permits for 53-foot truck trailers;
14. Exempt diesel fuel used while on the Maine Turnpike from the diesel fuel tax;

15. Provide to lessees of trucking equipment, such as a truck or trailer, used in interstate commerce the same sales tax exemption that is currently provided to owners of trucking equipment that is used in interstate commerce. Alternatively, a \$600 maximum would be placed on the sales tax imposed on any such equipment;
16. Require the Department of Environmental Protection to change the regulatory process from an instruction-based approach to a contractual, performance-based approach, thereby rewarding companies and businesses that meet or exceed the environmental objectives established by the department; and
17. Attract high-tech and high-wage jobs. This would be partially accomplished through the appropriation of \$300,000 each to Eastern Maine Technical College and Kennebec Valley Technical College to expand technical education programs in industries needing technically skilled workers.

LD 1917 An Act to Encourage Growth and Development in Cumberland County CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN AMERO		

LD 1917 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in Cumberland County. It proposes to:

1. Improve the infrastructure;
2. Enhance existing businesses and encourage job growth by providing a dollar-for-dollar reduction of a business' gross income, for purposes of computing income taxes owed by a business, for funds given by an employer to an employee to pay for that employee to attend an accredited Maine school;
3. Encourage investment in Maine businesses by providing a waiver of the capital gains tax to any person who invests a capital gain within 12 months of the realization of that gain in a business or corporation that is based or headquartered in Maine;
4. Attract and provide high-tech and high-wage jobs by providing an appropriation of \$400,000 per year to the Southern Maine Technical College to create or expand technical education programs in industries needing technically skilled workers. A matching contribution of 25% would be sought from the private sector in the form of cash, equipment, materials or scholarship funds; and
5. Promote a stable economic environment through the review of current rules and regulations and taxes and make any necessary changes.

LD 1919 An Act to Promote Economic Development in Eastern Maine CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY CASSIDY		

LD 1919 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in eastern Maine. It proposes to:

1. Improve the infrastructure, including the development of a rail line from Brewer to Eastport within 5 years and obtain appropriations to bring U. S. Route 1 from Steuben to Danforth up to national highway standards within 10 years;
2. Enhance existing businesses and encourage job growth by:
 - A. Creating an enterprise zone in Washington County. The enterprise zone would be based upon the former Job Opportunity Zones Act enacted in 1987 and repealed in 1993. The purpose of the enterprise zone is to establish a program of economic development incentives targeted to areas that are economically distressed or adversely affected by sudden or severe dislocation of the economy;
 - B. Creating a free-trade zone in Calais with an extension to Eastport. This would be similar to the current authorization given to the Loring Development Authority of Maine to apply for designation as a free port area by providing an exemption from stock-in-trade tax and other taxes and customs normally levied on personal property in transit; and
 - C. Providing a General Fund appropriation in the amount of \$50,000 annually to fund an economic development specialist position. The specialist would work under the direction of the Department of Economic and Community Development in rural communities in eastern Maine to create economic opportunities by working with local development organizations. The duties of the specialist would include providing grant writing assistance, business consultation and small business development recommendations;
3. Attract high-tech and high-wage jobs. This would be partially accomplished through the appropriation of \$150,000 to Washington County Technical College to expand technical education programs in industries needing technically skilled workers; and
4. Promote a stable economic environment through the review of current rules and regulations and taxes and making any necessary changes.

LD 1922

An Act to Establish the Maine Internet Policy Act

CARRIED OVER

Sponsor(s)
DAVIDSON

Committee Report

Amendments Adopted

LD 1922 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to establish an Internet policy for the State. The policy would include:

1. The facilitation of electronic commerce for Maine companies by:
 - A. Providing the same legal and binding status to transactions occurring over the Internet as to transactions in the traditional environment;

- B. Requiring the Department of Economic and Community Development to establish and certify security procedures used to verify signatures, identity and the true form of a document or communication;
 - C. Providing support and encouraging effective industry self-regulation through the use of seals or other labels indicating that the business has been recognized as employing fair, honest and consumer friendly business practices;
 - D. Establishing a presence on the Internet where consumers may obtain information on the self-regulation program; common practices and conditions of electronic commerce and known consumer scams and frauds; and
 - E. Encouraging the establishment and growth of Maine-based digital enterprises by altering and extending current economic development incentives to the digital business environment.
2. Making government more accessible to the citizens by:
- A. Requiring all state departments and agencies to expand service delivery and information gathering on an Internet-based platform at a minimum cost or no cost to users;
 - B. Providing assistance to state departments and agencies to ensure the expeditious implementation of the Internet policy;
 - C. Encouraging and supporting state and local governments, school systems and public libraries to pool their buying power to provide wider access at lower costs to information services and data bases purchased for public use or the provision of services to the public;
 - D. Directing state agencies to assist in the provision of affordable high speed Internet access in rural and underserved areas of the State;
 - E. Requiring the posting on the Internet of forms and information needed to interact with State Government, such as tax forms, registration forms and ballots;
 - F. Encouraging the timely posting on the agency or department web sites of information determined necessary or beneficial to the public; and
 - G. Amending the Freedom of Information Act to include the posting of requested documents or delivery through e-mail as a way of meeting Freedom of Information Act requirements;
3. The protection of consumer and citizen privacy by:
- A. Establishing and enforcing an Internet privacy policy that includes the extension of current privacy laws to electronic transmissions, notice of what is to be done with information that the consumer or user is providing, the right to opt out and a procedure to measure compliance with the policy. Information collected from a user would be limited to that which is necessary and relevant to the transaction and the user would be allowed the opportunity to verify and correct the information. Violation of the policy would be a crime;
 - B. Protecting the privacy of children 13 years of age and younger;
 - C. Exercising criminal and civil jurisdiction over persons using Internet service providers or facilities located in Maine in violation of the policy; and
 - D. Permitting citizens to use an appropriate level of encryption to protect the privacy and security of their communications over the Internet, except for the use of encryption to avoid detection in the commission of an illegal act;

4. The mitigation of unsolicited bulk e-mail or spamming by:
 - A. Defining spamming and providing appropriate criminal penalties;
 - B. Clarifying that the use of an Internet service provider's facilities and computer network located in Maine subjects the user to Maine jurisdiction;
 - C. Establishing theft of services crimes for the unauthorized or fraudulent use of e-mail header information in connection with the transmission of unsolicited bulk e-mail or obtaining an Internet service provider account for the purpose of gathering e-mail addresses for the purpose of spamming; and
 - D. Establishing civil and criminal penalties for persons who assist spamming by facilitating the transmission of falsified e-mail or the distribution of specially designed software that aids spamming;
5. The regulation of hate mail and pornography by:
 - A. Directing an appropriate agency to establish a web site through which information and recommendations are provided to parents, guardians, local officials and others on specific problems involving the protection of children from inappropriate material over the Internet;
 - B. Requiring all public and publicly funded institutions to establish a management system and policy for Internet access within their institutions;
 - C. Making it at least a Class C crime for the on-line dissemination of obscene or harmful material for the purpose of inducing children to engage in or perform sexual acts; and
 - D. Making it at least a Class C crime to post on a pornographic Internet site information about a child's identity; and
6. The regulation of other crimes by:
 - A. Clarifying that a crime in the nondigital domain is a crime in the electronic environment;
 - B. Empowering law enforcement agencies to establish procedures for the investigation and prosecution of crimes committed using the Internet;
 - C. Amending the rules of evidence to include Internet-related activities; and
 - D. Requiring law enforcement agencies to establish Internet sites to receive reports of suspected illegal activities over the Internet.

LD 1931

An Act to Amend the Franchise Law

CARRIED OVER

Sponsor(s)
LAFOUNTAIN

Committee Report

Amendments Adopted

LD 1931 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to amend certain provisions of the law pertaining to manufacturers, franchisees and other dealers to ensure fair treatment of all dealers by all franchisers. In addition, the bill proposes to amend a provision of law that was recently addressed by the court on questions certified to it by the Federal District Court in the case of Darling's d/b/a Darling's Bangor Ford v. Ford Motor Company, in its decision of October 27, 1998.

LD 1948**An Act Relating to Unfair Competition Between Nonprofit Organizations and Small Businesses****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP	ONTP	

LD 1948 proposed to prevent nonprofit organizations from using their nonprofit status to compete with small businesses with 25 or fewer employees. Nonprofit organizations would have been prevented from providing goods or services to the general public at a price that is at least 15% less than the price at which those goods or services are available through a small business. A violation of these provisions would have resulted in the loss of tax exemptions and may have subjected the violator to a civil penalty of \$5,000.

LD 1962**An Act to Establish the State Revolving Loan Fund for Small Business Initiatives****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY		

LD 1962 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish the State Revolving Loan Fund for Small Business Initiatives within the Department of Economic and Community Development. The fund will be established initially as a pilot project in Washington County and Hancock County to be administered by the Eastern Maine Development Corporation. The bill proposes to appropriate \$2,100,000 from the General Fund as initial funding, divided evenly between the counties. Approximately \$100,000 of the initial funding represents anticipated administration charges for the first year to cover the cost of lending. The bill proposes to establish a maximum loan of \$175,000 that may be used for capital expenditures and training expenses. It also establishes reporting deadlines and includes a repeal provision.

LD 1966**An Act to Require Disclosures in Connection with Transfers of Residential Property****PUBLIC 476**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMERON DAGGETT	OTP-AM	H-712

LD 1966 proposed to require the owner of real estate consisting of one to four dwelling units to make certain disclosures to prospective buyers of the property similar to what is currently required of a real estate broker for the seller. The bill proposed to require the disclosure of any material defects in the property, the type of water system used, the type of insulation and whether there are or were any hazardous materials on the property. If an owner failed to make the required disclosures, the purchase contract could be rescinded by the purchaser.

Committee Amendment “A” (H-712) proposed to provide that the disclosure requirements for residential real property transactions are applicable when the transaction is without the assistance of a person licensed to practice real estate brokerage. The amendment changed the term “material defect” to “known defect” and changed the term “owner” to “seller.” The amendment added corrective deeds to the list of exemptions from the disclosure requirements. It also deleted specific language of notices that the bill required the owner to give to the purchaser. The amendment also deleted the specific delivery requirements in the bill and it deleted the one-year statute of limitation for action for violations.

Enacted law summary

Public Law 1999, chapter 476 requires the owner of real estate consisting of one to four dwelling units to make certain disclosures to prospective buyers of the property when the transaction is without the assistance of a person licensed to practice real estate brokerage.

LD 1981

An Act to Revise the Accountancy Laws

PUBLIC 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM	S-126

LD 1981 proposed to make the following changes to the accountancy laws:

1. It created new defined terms: "defined service" and "substantial equivalency."
2. It made changes in the composition of the Board of Accountancy by permitting, but no longer requiring, that one of the professional members may be a public accountant and by adding a second public member to the board.
3. It revised the education requirements for those eligible to sit for the certified public accountant examination by allowing applicants to sit for the examination up to 120 days prior to completion of their education requirements.
4. It authorized the Board of Accountancy to establish a process for granting licenses to and regulating licensees from other states or countries that have licensing requirements substantially equivalent to those in Maine.
5. It established provisions concerning Maine licensees who offer or render services in other states.
6. It prohibited or restricted the ability of accountants to accept commissions, referral fees and contingency fees when performing a defined service.
7. It made changes to continuing education requirements.

Committee Amendment "A" (S-126) proposed to delete the changes to the membership of the Board of Accountancy and the accompanying transition provision. This amendment renumbered the sections to read consecutively and added a fiscal note.

Enacted law summary

Public Law 1999, chapter 24 made the following changes to the accountancy laws:

1. It creates new defined terms: "defined service" and "substantial equivalency."
2. It revises the education requirements for those eligible to sit for the certified public accountant examination by allowing applicants to sit for the examination up to 120 days prior to completion of their education requirements.
3. It authorizes the Board of Accountancy to establish a process for granting licenses to and regulating licensees from other states or countries that have licensing requirements substantially equivalent to those in Maine.
4. It establishes provisions concerning Maine licensees who offer or render services in other states.
5. It prohibits or restricts the ability of accountants to accept commissions, referral fees and contingency fees when performing a defined service.

LD 2001

An Act to Require All Businesses in the State to Obtain a License to Operate in the State

ONTP

Sponsor(s)
GOODWIN

Committee Report
ONTP

Amendments Adopted

LD 2001 proposed to require that business concerns that are not already required to be licensed must obtain from the Secretary of State a license to operate.

LD 2010

An Act to Amend the Maine Lemon Laws

PUBLIC 212

Sponsor(s)
MCGLOCKLIN
DOUGLASS

Committee Report
OTP-AM

Amendments Adopted
H-279

LD 2010 proposed to amend the Maine lemon laws in the following ways.

1. It gave an arbitrator greater discretion in how much the arbitrator may award the manufacturer based on the amount of miles used by a consumer whose vehicle is eventually declared a lemon.
2. It allowed a consumer to receive reasonable costs of alternative transportation if the vehicle is declared a lemon and the consumer was not able to drive the vehicle due to serious manufacturer defects.
3. It allowed a consumer's lease to be terminated along with all related contractual obligations if a leased vehicle is declared a lemon.
4. It allowed a consumer who applies within two years from the date of original delivery or within the term of express warranties, whichever comes first, to be eligible for lemon law arbitration even if the vehicle has exceeded 18,000 miles of operation.
5. It entitled a consumer whose vehicle is declared a lemon to reasonable witness fees if the consumer had a mechanic or engineer testify on the consumer's behalf.
6. It clarified the type of appeal hearing a consumer or manufacturer is eligible to receive if either disagrees with the arbitrator's decision.

Committee Amendment "A" (H-279) proposed to clarify the definition of reasonable allowance for use and require the return of a leased vehicle to the lessor for termination of the lessee's contractual obligations.

Enacted law summary

Public Law 1999, chapter 212 amends the Maine lemon laws in the following ways.

1. An arbitrator is given greater discretion in how much the arbitrator may award the manufacturer based on the amount of miles used by a consumer whose vehicle is eventually declared a lemon.
2. A consumer is allowed to receive reasonable costs of alternative transportation if the vehicle is declared a lemon and the consumer was not able to drive the vehicle due to serious manufacturer defects.

3. A consumer's lease is terminated along with all related contractual obligations if a leased vehicle is declared a lemon and the vehicle is returned to the lessor.
4. A consumer who applies within two years from the date of original delivery or within the term of express warranties, whichever comes first, is eligible for lemon law arbitration even if the vehicle has exceeded 18,000 miles of operation.
5. A consumer whose vehicle is declared a lemon is entitled to reasonable witness fees if the consumer had a mechanic or engineer testify on the consumer's behalf.
6. It clarifies the type of appeal hearing a consumer or manufacturer is eligible to receive if either disagrees with the arbitrator's decision.

LD 2025

An Act to Regulate Unused Property Markets

ONTP

Sponsor(s)
POVICH

Committee Report
ONTP

Amendments Adopted

LD 2025 proposed to provide for the regulation of unused property markets. The bill would have prohibited an unused property merchant from selling or knowingly permitting the sale of baby food, infant formula, cosmetics or personal care products, or any nonprescription drug or medical device. It also proposed to require every unused property merchant to maintain receipts for the purchase of new and unused property. It would have been a violation for any unused property merchant to knowingly falsify, obliterate or destroy receipts, to refuse to make the receipts available for inspection or to fail to maintain the required receipts for at least two years. Certain property and people would have been exempted from regulation. The bill also proposed to provide a penalty for violation of the chapter's provisions.

LD 2036

An Act to Prohibit Deceptive Charitable Solicitations

PUBLIC 221

Sponsor(s)
KONTOS

Committee Report
OTP

Amendments Adopted

LD 2036 proposed to amend the Charitable Solicitations Act as follows.

1. It amended the definition of commercial co-venturer to include the collection or sale of donated goods by a commercial co-venturer.
2. It required that a charitable organization employing a commercial co-venturer file certain information including the amount of money that was expended to commercial co-venturers during the year.
3. It required the disclosure of pertinent information on containers that are used by a commercial co-venturer for the solicitation of goods.
4. It prohibited a commercial co-venturer from charging a charitable organization a sum of money for goods and services that far exceeds the market value of those goods and services.

Enacted law summary

Public Law 1999, chapter 221 amends the Charitable Solicitations Act as follows:

1. It amends the definition of commercial co-venturer to include the collection or sale of donated goods that is advertised in conjunction with the name of a charitable organization.
2. It requires a charitable organization employing a commercial co-venturer to solicit goods through containers in public places to file certain information including the amount of payments to commercial co-venturers during the year.
3. It requires the disclosure of pertinent information on containers that are used by a commercial co-venturer for the solicitation of goods.
4. It prohibits a commercial co-venturer from charging a charitable organization a sum of money for goods and services that far exceeds the market value of those goods and services.

LD 2037

An Act to Revise the Lienholder Notification Law

PUBLIC 207

Sponsor(s)
BENNETT

Committee Report
OTP

Amendments Adopted

LD 2037 proposed to establish the rights and responsibilities of mobile home park operators and of those persons who hold liens on homes in mobile home parks when either the park operator is attempting to evict the tenant who occupies the home or when the lienholder is attempting to repossess the home.

Enacted law summary

Public Law 1999, chapter 207 establishes the rights and responsibilities of mobile home park operators and lienholders of mobile homes in mobile home parks when either the park operator is attempting to evict the tenant who occupies the home or when the lienholder is attempting to repossess the home.

LD 2042

An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations

PUBLIC 386

Sponsor(s)
KONTOS
O'NEAL

Committee Report
OTP-AM

Amendments Adopted
S-214
S-325 KONTOS

LD 2042 proposed to amend several professional and occupational licensing laws.

Part A would amend the Charitable Solicitations Act.

Part B would amend the Maine Revised Statutes, Title 10, to: allow boards and commissions to delegate to staff the authority to review and approve applications for licensure pursuant to board-approved criteria; provide that continuing education requirements of boards and commissions coincide with license renewal periods; authorize the Commissioner of Professional and Financial Regulation to adjust renewal cycles of boards and commissions from biennial to annual and annual to biennial as necessary; clarify that materials underlying a letter of guidance or concern are only confidential when confidentiality is required pursuant to Title 24, chapter 21, the Maine Health Security Act; and allow boards to establish an inactive license category.

Part C would amend the Manufactured Housing Board laws.

Part D would authorize certain boards and commissions to assess licensed persons or entities for expenses incurred in performing enforcement duties, to enter into contracts and to issue citations for violations.

Part E would limit the license application and examination fees for chiropractors to \$75.

Part F would amend the Electricians' Examining Board laws.

Part G would amend the Board of Hearing Aid Dealers and Fitters laws.

Part H would repeal the Maine Revised Statutes, Title 32, chapter 29, regarding the Arborist Examining Board.

Part I would amend the State Board of Nursing laws.

Part J would amend the Board of Occupational Therapy Practice laws.

Part K would amend the Oil and Solid Fuel Board laws.

Part L would amend the Board of Examiners in Physical Therapy laws.

Part M would amend the Plumbers' Examining Board laws.

Part N would amend the State Board of Examiners of Psychologists laws.

Part O would amend the Transient Sales laws.

Part P would amend the State Board of Veterinary Medicine laws.

Part Q would amend the State Board of Certification for Geologists and Soil Scientists laws.

Part R would amend the Board of Examiners on Speech-language Pathology and Audiology laws.

Part S would amend the State Board of Alcohol and Drug Counselors laws to reduce the membership of the board.

Part T would amend the Board of Respiratory Care Practitioners laws.

Part U would amend the Board of Counseling Professionals Licensure laws.

Part V would amend the Board of Barbering and Cosmetology laws.

Part W would amend the Propane and Natural Gas Board laws.

Part X would amend the Board of Boilers and Pressure Vessels laws.

Part Y would amend the Board of Elevator and Tramway Safety laws.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-214) proposed to:

1. Provide that certain charitable organizations would be required to register and report to the Office of Licensing and Registration instead of registering with and reporting to the Secretary of State;

2. Clarify that complaints and investigative records of licensing boards and commissions within or affiliated with the Department of Professional and Financial Regulation are confidential unless otherwise provided by Maine Revised Statutes, Title 24, chapter 21;
3. Delete the authority of staff of the Manufactured Housing Board to issue a notice of violation;
4. Clarify that "electrical installations" does not include optical fiber cabling, or audio, video and data communication cabling;
5. Delete the relocation of the Arborist Examining Board to the Department of Agriculture, Food and Rural Resources because that relocation became effective pursuant to Public Law 1999, chapter 84; and
6. Change the training requirements for the practice of aesthetics.

This amendment also added an allocation section and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-325) proposed to restore the current definition of "electrical installations" in the laws governing the Electricians' Examining Board. This amendment also eliminates the exception to licensing requirements for optical fiber cable installers.

Enacted law summary

Public Law 1999, chapter 386 amends several professional and licensing laws.
Part A amends the Charitable Solicitations Act.

Part B amends the Maine Revised Statutes, Title 10, to: allow boards and commissions to delegate to staff authority to review and approve applications for licensure pursuant to board-approved criteria; provide that continuing education requirements of boards and commissions coincide with license renewal periods; authorize the Commissioner of Professional and Financial Regulation to adjust renewal cycles of boards and commissions from biennial to annual and annual to biennial as necessary; clarify that materials underlying a letter of guidance or concern are only confidential when confidentiality is required pursuant to Title 24, chapter 21, the Maine Health Security Act; and allow boards to establish an inactive license category.

Part C amends the Manufactured Housing Board laws.

Part D authorizes certain boards and commissions to assess licensed persons or entities for expenses incurred in performing enforcement duties, to enter into contracts and to issue citations for violations.

Part E limits the license application and examination fees for chiropractors to \$75.

Part F amends the Electricians' Examining Board laws.

Part G amends the Board of Hearing Aid Dealers and Fitters laws.

Part H repeals the Maine Revised Statutes, Title 32, chapter 29, regarding the Arborist Examining Board.

Part I amends the State Board of Nursing laws.

Part J amends the Board of Occupational Therapy Practice laws.

Part K amends the Oil and Solid Fuel Board laws.

Part L amends the Board of Examiners in Physical Therapy laws.

Part M amends the Plumbers' Examining Board laws.

Part N amends the State Board of Examiners of Psychologists laws.

Part O amends the Transient Sales laws.

Part P amends the State Board of Veterinary Medicine laws.

Part Q amends the State Board of Certification for Geologists and Soil Scientists laws.

Part R amends the Board of Examiners on Speech-language Pathology and Audiology laws.

Part S amends the State Board of Alcohol and Drug Counselors laws.

Part T amends the Board of Respiratory Care Practitioners laws.

Part U amends the Board of Counseling Professionals Licensure laws.

Part V amends the Board of Barbering and Cosmetology laws.

Part W amends the Propane and Natural Gas Board laws.

Part X amends the Board of Boilers and Pressure Vessels laws.

Part Y amends the Board of Elevator and Tramway Safety laws.

LD 2057 An Act to Amend the Regulation of Dentists Regarding the Use of CARRIED OVER
Anesthesia

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN		

LD 2057 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to codify the Department of Financial and Professional Regulation rules, with additional changes, pertaining to the use of anesthesia by dentists.

LD 2060 An Act to License Home Building Contractors CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT LONGLEY		

LD 2060 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to require a home building contractor to be licensed and proposes to establish the Board of Home Building Construction to oversee the licensing of home building contractors and home construction supervisors. The board would make available educational materials for contractors and consumers, including a bill of rights, procedures for dealing with contractors and a listing of licensed contractors that includes appropriate information from the contractors' application forms.

LD 2090**An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones or Alarms****PUBLIC 347**Sponsor(s)
DUDLEYCommittee Report
OTP-AMAmendments Adopted
H-485

LD 2090 proposed to prohibit a convenience store from remaining open 24 hours a day unless there is an alarm or telephone in the store accessible to the employees.

Committee Amendment "A" (H-485) proposed to change the title of the bill and add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 347 prohibits a convenience store from remaining open 24 hours a day unless there is an alarm or telephone in the store accessible to the employees.

LD 2105**An Act to Improve the Maine Economy Through Small Businesses****CARRIED OVER**Sponsor(s)
PINGREE
ROWECommittee ReportAmendments Adopted

LD 2105 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish the Maine Microenterprise Initiative Fund in the Department of Economic and Community Development. The department would give grants from the fund to community-based organizations providing training, technical assistance and loans to microenterprises. Priority consideration would be given to grant applications that are joint or target low-income individuals or areas of high unemployment. The bill proposes to require that grants for loans must be accompanied by a certain level of matching funds and adequate technical assistance. The department would adopt rules, subject to legislative review, to establish grant application procedures and criteria. The bill also proposes to appropriate from the General Fund a nonlapsing \$1,500,000 per year of the biennium to the Maine Microenterprise Initiative Fund.

LD 2112**An Act to Allow Doctors of Dentistry to Prescribe Physical Therapy****ONTP**Sponsor(s)
PLOWMANCommittee Report
ONTPAmendments Adopted

LD 2112 proposed to authorize dentists to prescribe physical therapy as may be necessary for proper dental treatment.

LD 2115**An Act to Promote Economic Development in Western Maine****CARRIED OVER**Sponsor(s)
GOOLEY
BENOITCommittee ReportAmendments Adopted

LD 2115 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in western Maine. It proposes to:

- 1. Improve the infrastructure;
- 2. Enhance existing businesses and encourage job growth;
- 3. Attract high-tech and high-wage jobs; and
- 4. Promote a stable economic environment through the review of current rules and regulations and taxes and make any necessary changes.

LD 2130

An Act to Extend the Jurisdiction of the Real Estate Commission

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN	ONTP	

LD 2130 proposed to amend the Real Estate Brokers License Act by expanding the jurisdiction of the Real Estate Commission to supervise and oversee licensed real estate brokers who also engage in property management, rental or leasing of real estate. The bill also proposed to establish a specific standard of cause for disciplinary action that could be imposed against a real estate broker who misrepresents the uses of property that are permitted by municipal, state or federal law. See also LDs 11, 1083, 1176 and 1450.

LD 2142

An Act to Change Laws Pertaining to the Loring Development Authority of Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL		

LD 2142 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to reconfigure the composition of the board of trustees for the Loring Development Authority of Maine so that the City of Caribou, the Town of Caswell and the Town of Limestone each nominate one member to the board; 3 members of the board would be nominated by any other municipality in Aroostook County; and one member would be nominated by the county commissioners of Aroostook County. The bill also proposes to allow the current members of the board of trustees to finish their terms and the reconfigured board to be phased in as the current members' terms expire.

LD 2155

Resolve, to Establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy

**RESOLVE 89
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS TRIPP	OTP-AM	S-303 S-462 PINGREE

LD 2155 proposed to establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy.

Committee Amendment "A (S-303) proposed to expand the membership and duties of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. It also added an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-688) proposed to provide the legislative per diem and reimbursement of expenses to members of the commission who are Legislators and to other members not otherwise compensated. This amendment also changed the reporting date of the commission and replaced the appropriation section to reflect the increased cost.

This amendment was not enacted.

Senate Amendment "A" to Committee Amendment "A" (S-462) proposed to change the membership of the commission and change the method for appointment of chairs of the commission. This amendment also proposed to provide the legislative per diem and reimbursement of expenses to members of the commission who are Legislators. This amendment also changed the reporting date of the commission and provides that the Joint Standing Committee on Business and Economic Development may report out a bill.

Enacted law summary

Resolve 1999, chapter 89 established the Blue Ribbon Commission to Establish a Comprehensive Internet Policy.

Chapter 89 was enacted as an emergency measure effective June 17, 1999.

LD 2163

An Act to Require Contractor Registration

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH		

LD 2163 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish in the Department of Professional and Financial Regulation a comprehensive public register of contractors doing business in the State.

The bill specifies information that the contractor must provide to the department and information that the department must provide to the registrants to ensure that they are aware of all applicable legal and ethical requirements for engaging in their particular business in Maine. The bill proposes to require registrants to renew their registration annually and pay registration fees established by the department to cover the costs of administration of this law. These requirements must be coordinated with any specific licensing or certification requirements with which the contractor must comply. Registration will not be permitted for a contractor whose license, certification or registration has been suspended or revoked in this State or any other state until the period of revocation or suspension is completed and the contractor passes a professional review.

LD 2199

An Act Concerning Licensure of Chiropractors

**PUBLIC 214
EMERGENCY**

<u>Sponsor(s)</u> LAWRENCE O'NEAL	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-205 KONTOS
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LD 2199 proposed to include chiropractic acupuncture within the practice of chiropractic. It also proposed to direct the Board of Chiropractic Licensure to adopt rules authorizing and governing the use of chiropractic acupuncture.

Senate Amendment "A" (S-205) proposed to require that chiropractors engaging in acupuncture obtain a chiropractic acupuncture certification from the Board of Chiropractic Licensure. Certification requirements would be developed by the Board of Chiropractic Licensure by rule and would be required to include minimum education, training and disease control components. The supervised clinical training component could be fulfilled either in conjunction with the required education or in a separate clinical setting. This amendment allowed chiropractors who were engaged in the practice of chiropractic acupuncture prior to April 30, 1999 to continue that practice; however, they must comply with all of the certification requirements within two years of the adoption of the rules. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 214 includes chiropractic acupuncture within the practice of chiropractic. Chiropractic acupuncture may only be practiced by a licensed chiropractor who has received a chiropractic acupuncture certification from the Board of Chiropractic Licensure. The board is directed to adopt rules that set forth certification requirements which must include minimum education, training and disease control components. Chiropractors who were engaged in the practice of chiropractic acupuncture prior to April 30, 1999 may continue that practice but must comply with all of the certification requirements within 2 years of the adoption of rules.

Chapter 214 was enacted as an emergency measure effective May 17, 1999.

LD 2217 An Act to Promote Economic Development in Androscoggin County CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS NUTTING J		

LD 2217 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in Androscoggin County. It proposes to:

1. Improve the infrastructure. In effecting this goal, the recommendations of the Downtown Initiative in the Department of Economic and Community Development focusing on how to revitalize downtown areas in Maine would be implemented;
2. Enhance existing businesses and encourage job growth. As part of this goal, the manufacture of a prefabricated industrial park, ready to be occupied by businesses, would be encouraged;
3. Attract high-tech and high-wage jobs. This would be partially accomplished through the appropriation of \$300,000 each to Central Maine Technical College and Lewiston-Auburn College;
4. Encourage and promote tourism, convention activities and special events by emphasizing and advertising Androscoggin County as a destination point for these activities. Additionally, the feasibility of a convention center, built to service the State, would be explored and developed; and
5. Promote a stable economic environment through the review of current rules and regulations and taxes and making any necessary changes.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM MAJ OTP-AM MIN	S-356

LD 2219 proposed to clarify the private and special law that was enacted by the 118th Maine Legislature in 1997 creating the Kennebec Regional Development Authority.

1. The bill proposed to clarify that the communities that are presently part of the Kennebec Valley Economic Development District are eligible to become participating members of the Kennebec Regional Development Authority.
2. The bill proposed to add a specific statement to the law that would be placed on any bond, note or other obligation issued by the authority, that those bonds, notes and other obligations do not constitute a debt or liability of the State or any participating city, town or plantation and do not constitute a pledge of the faith and credit of the State or any participating city, town or plantation. The bill also proposed to add a provision that authorizes the authority to issue bonds, notes or other obligations to the Finance Authority of Maine.
3. The bill proposed to make it clear that elections or a referendum are only required in the event that the provisions of a charter of a city, town or plantation require such election or referendum. The bill also indicated that, in those instances where a city, town or plantation has a charter with provisions relevant to the vote being taken under the private and special law, those charter provisions determine whether the vote must be taken at a council meeting, town or plantation meeting or through a city, town or plantation election or referendum.

Committee Amendment "A" (S-356) was the majority report. It proposed to require the general assembly of the Kennebec Regional Development Authority to submit to the Legislature an annual report on the activities of the authority. This amendment also added a fiscal note to the bill.

Committee Amendment "B" (S-357) was the minority report. It proposed to delete the provision that bonds, notes and other obligations of the Kennebec Regional Development Authority are eligible for purchase pursuant to the Maine Revised Statutes, Title 30-A, chapter 225 and it proposed to delete the provision that declares the authority is a single "governmental unit." The amendment also proposed to delete the provision that authorizes the authority to issue bonds, notes or other obligations to the Finance Authority of Maine. The amendment also requires the general assembly of the authority to submit to the Legislature an annual report on the activities of the authority. This amendment also added a fiscal note to the bill.

This amendment was not enacted.

Enacted law summary

Private and Special Law 1999, chapter 38 contains the following three clarifications to the private and special law that was enacted by the 118th Maine Legislature in 1997 creating the Kennebec Regional Development Authority.

1. It clarifies that the communities that are presently part of the Kennebec Valley Economic Development District are eligible to become participating members of the Kennebec Regional Development Authority.

2. It adds a specific statement to the law that would be placed on any bond, note or other obligation issued by the authority, that those bonds, notes and other obligations do not constitute a debt or liability of the State or any participating city, town or plantation and do not constitute a pledge of the faith and credit of the State or any participating city, town or plantation. It also adds a provision that authorizes the authority to issue bonds, notes or other obligations to the Finance Authority of Maine.
3. It makes it clear that elections or a referendum are only required in the event that the provisions of a charter of a city, town or plantation require such election or referendum. It also provides that, in those instances where a city, town or plantation has a charter with provisions relevant to the vote being taken under the private and special law, those charter provisions determine whether the vote must be taken at a council meeting, town or plantation meeting or through a city, town or plantation election or referendum.

Chapter 38 also requires the general assembly of the Kennebec Regional Development Authority to submit to the Legislature an annual report on the activities of the authority.

Chapter 38 takes effect immediately upon acceptance by the cities, towns and plantations so voting approval and having a combined state valuation of at least \$3,000,000,000.

LD 2222

An Act to Retain Jobs at Paper Production Facilities in the State

**PUBLIC 484
EMERGENCY**

Sponsor(s)
MICHAUD
CLARK

Committee Report
OTP-AM

Amendments Adopted
S-373

LD 2222 proposed to expand the Finance Authority of Maine's ability to support employee purchases of paper industry assets in the State by:

1. Adding any paper industry job retention project to the list of eligible projects;
2. Defining "paper industry job retention project";
3. Listing the criteria for a certificate of approval for a paper industry job retention project; and
4. Limiting the principal amount of revenue obligation securities the Finance Authority of Maine may have outstanding in conjunction with a paper industry job retention project.

Committee Amendment "A" (S-373) proposed to modify the definition of a paper industry job retention project to require that not less than 40% ownership of the project be by or on behalf of a majority of the employees in the form of an employee stock ownership program or other plan recognized in the federal Internal Revenue Code. This amendment also proposed to amend the bill by conforming the factors the Finance Authority of Maine must consider when evaluating a project to those the Finance Authority of Maine must consider when evaluating a major business expansion project.

This amendment proposed to allow the Finance Authority of Maine to engage independent consultants at the expense of the borrower to assist in evaluating the credit risk of the proposed project. This amendment also proposed to delete the provision that defined contractual labor cost reductions as equity and replace it with a provision stating that the owner must make an important equity contribution to the project at the time of financing and that total state assistance for the project may not exceed \$25,000,000 plus 50% or 70% of the project costs in excess of \$25,000,000.

This amendment proposed to add language that would require the authority to consider the value of contractual labor cost reductions when analyzing the projected financial performance of the project. This amendment also proposed to add unallocated language setting a termination date of February 1, 2001 for the authority's approval of the issuance of bonds and confirming that the bonds contemplated will be limited obligations of the authority, payable only from project revenues. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 484 expands the Finance Authority of Maine's ability to support employee purchases of paper industry assets in the State by allowing FAME to make loans for paper industry job retention projects from up to \$100,000,000 of the proceeds of revenue obligation securities. Paper industry job retention project means the acquisition and improvement of a paper production facility in which not less than 40% of the ownership of the project will be owned or controlled by or for the benefit of a majority of the employees through a qualified Employee Stock Ownership Program or other employee ownership program recognized in the federal Internal Revenue Code. Total state assistance for a project may not exceed \$25,000,000 plus 50% or 70% of the project cost in excess of \$25,000,000. Revenue obligation securities may not be issued for a paper industry job retention project approved by FAME after February 1, 2001.

Chapter 484 was enacted as an emergency measure effective June 11, 1999.

LD 2227

An Act to Expand Membership on the Maine Tourism Commission

PUBLIC 445

Sponsor(s)
BENNETT
COWGER

Committee Report
OTP-AM

Amendments Adopted
S-371

LD 2227 proposed to expand the Maine Tourism Commission from 20 to 24 voting members and add a list of seven representatives of various tourism industry interests as specific members that the Governor appoints. The four new members added to the commission under this bill would be appointed with staggered terms.

Committee Amendment "A" (S-371) proposed to add a member representing a statewide organization of children's camps to the list of representatives of various tourism industry interests that the Governor appoints to the Maine Tourism Commission. It also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 445 expands the Maine Tourism Commission from 20 to 24 voting members and adds a list of eight representatives of various tourism industry interests as specific members that the Governor appoints. The four new members added to the commission under this bill are appointed with staggered terms.

LD 2233

An Act to License Interpreters for the Deaf and Hard-of-Hearing

PUBLIC 399

Sponsor(s)
KONTOS

Committee Report
OTP

Amendments Adopted

LD 2233 proposed to enact the recommendations of the technical review committee on interpreters established pursuant to Public Law 1997, chapter 749. That committee was charged with determining the method by which the State should regulate interpreters for the deaf and hard-of-hearing. The bill proposed to replace the existing interpreter registration

process with a licensing process, effective June 30, 2000. Two levels of licensure, limited and certified, were proposed. Applicants for limited licensure would be required to have 100 hours of instruction in American Sign Language or be certified as having equivalent skills, and must have 100 hours of instruction in the interpreting process. Applicants for certified licensure must show proof of national certification as an interpreter or transliterator. Licensees would be held to a code of ethics.

All persons who are registered under current law when this bill becomes effective would be eligible for limited licensure. Those persons would have three years from the date of their licensure to meet the standard education and training requirements. The bill proposed to exclude practitioners of cued speech from the definition of "interpreter". The intent was to not regulate practitioners of cued speech at this time.

Enacted law summary

Public Law 1999, chapter 399 replaces the existing registration process for interpreters for the deaf and hard-of-hearing with a licensing process.

Chapter 399 becomes effective June 30, 2000.